

REMARKS

Examiner Interview Held on December 10, 2008

The undersigned attorney would like to thank the examiner for the courtesy of the telephone interview conducted on December 10, 2008. The interview included a discussion of potential claim amendments, and at its conclusion, the examiner indicated that the amendments to claim 1 above appeared sufficient to overcome all outstanding rejections, and to otherwise comply with 35 U.S.C. 112.

Application Status

Claims 1-7 are pending in the application.

Claims 1 and 3 are currently amended. The specification and drawings provide support for these amendments which was acknowledged by the Examiner in the December 10th interview. More particularly, support is provided, for example, in the Abstract (liquid base thermoset component), at paragraphs [0026] and [0021] and in Figure 1 (allowing a mixture as recited in claim 1 to cure, wherein a matrix forms around the expandable hollow microspheres and the expandable hollow microspheres essentially do not expand), at paragraph [0026] (heating such a cured mixture so that the expandable hollow microspheres expand against the matrix causing permanent deformation in the matrix around the microspheres), at paragraph [0026] (cooling such a cured mixture such that compressive residual stress is created in the matrix around the microspheres) and elsewhere in the description and original claims. Thus, no new matter has been added by way of these amendments.

Outstanding Action Mailed September 5, 2008

Rejections Under 35 U.S.C. § 112

3. Claims 1-7 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The present claim amendments, while not constituting an admission, render this rejection moot. Withdrawal of this rejection is thus solicited.
4. Claims 1-7 stand rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The present claim amendments, while not constituting an admission, render this rejection moot. Withdrawal of this rejection is thus solicited.
5. / 7. Claims 1-7 stand rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling, and under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps. As amended, the presently claimed method can be practiced using only those steps recited in claim 1 which was acknowledged by the Examiner in the December 10th interview. Withdrawal of this rejection is thus solicited.
8. Claims 1-7 stand rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. The present claim amendments, while not constituting an admission, render this rejection moot. Withdrawal of this rejection is thus solicited.

Priority

10. The examiner contends that Australian application PS3238, the priority document to which the present application claims benefit, fails to disclose the essential sequence of steps with sufficient specificity. Applicants respectfully disagree, and contend that one skilled in the art—upon reviewing the disclosure of the PS3238 application—would have understood that applicants had possession of the subject matter of amended claim 1 at least as early as June 27, 2002.

The examiner cites the Morganelli (U.S. Patent No. 7,047,633), Wycech (U.S. Patent No. 4,923,902) and Erb (US 2005/0027025) references as disclosing similar methods. However, none of these references teach or suggest the subject matter of amended claim 1.

It is believed that this submission addresses all outstanding rejections. Allowance of the application is thus solicited.

Respectfully submitted,

By



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